# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS LAREDO DIVISION

BENEVIS, LLC f/k/a NCDR, L.L.C.; DENTISTRY OF BROWNSVILLE, P.C. § d/b/a KOOL SMILES; and KS2 TX, P.C. \$ \$ \$ \$ d/b/a KOOL SMILES, Plaintiffs. § § VS. CIVIL ACTION NO. 5:12.CV-36 MAUZÉ & BAGBY, PLLC; GEORGE § WATTS MAUZÉ II: and JAMES § § THOMAS BAGBY III, Defendants.

# CERTIFICATION TO THE COURT OF THE DESTRUCTION OF DOCUMENTS

Now comes John C. Cave, counsel for Defendants Mauzé & Bagby, PLLC, George Watts Mauzé II and James Thomas Bagby III, collectively, the "M&B Parties," and hereby certifies to the Court that the M&B Parties have shredded or otherwise destroyed any and all documents produced by Plaintiffs in connection with the above-styled and numbered cause, and any and all documents that were provided to the M&B Parties by former or current employees of any of the Kool Smiles Parties,, as well as any other documents created by Plaintiffs and obtained by the M&B Parties pursuant to the terms of the Confidential Settlement Agreement.

Further, the undersigned counsel certifies to the Court that the M&B Parties have destroyed those documents identified in the List of Retained Documents attached as Exhibit B to the Confidential Settlement Agreement.

## Dated this 3rd day of November 2017.

## Respectfully submitted,

By:/s/ John C. Cave

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# **CERTIFICATE OF CM/ECF FILING AND SERVICE**

I hereby certify that on November 3, 2017, I electronically filed the foregoing document with the Clerk of the United States District Court, Southern District of Texas, Laredo Division by the CM/ECF system. I certify that attorney participants listed in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system or by some other means as stated below, upon the following:

#### CM/ECF

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## Via First Class Mail

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> /s/ John C. Cave John C. Cave